

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHNNECIA JOHNSON

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:20-cv-372-CWR-FKB

WALMART INC. and JOHN DOES 1-10

DEFENDANTS

**COMPLAINT
JURY TRIAL DEMANDED**

COMES NOW the Plaintiff, JOHNNECIA JOHNSON, by and through her counsels, Catouche J.L. Body of Body Law Firm, PLLC, and Kimberly S. Sweeney of Law Office of Kimberly S. Sweeney, PLLC and files this action against Defendant, Walmart Inc., and John Does 1-10. As more specifically set forth below, Plaintiff has been subjected to sex discrimination, sexual harassment, a sexually hostile workplace in violation of Title VII of the Civil Rights Act of 1964, as amended, has been unlawfully retaliated against in the terms and conditions of her employment with Walmart Inc. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

PARTIES

1. The Plaintiff, JOHNNECIA JOHNSON, is an adult female resident of Copiah County, Mississippi.
2. Defendant, Walmart Inc. and may be served through its registered agent for service of process, C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.
3. Defendants John Does 1-10 are person(s) and/or company(ies) whose identities are presently unknown to Plaintiff. These unknown Defendants are identified as “John Doe”

Defendants 1-10 under Federal Rules of Civil Procedure. Every allegation in the Complaint is an allegation and a filing as of this date against each “John Doe” Defendant.

JURISDICTION AND VENUE

5. This Court has federal question jurisdiction.

6. This Court has personal and subject matter jurisdiction over the Defendant, and the venue is proper in this Court. A true and correct copy of Plaintiff’s Charge of Discrimination is attached hereto as Exhibit “A,” and a true and accurate copy of the EEOC’s (1) Revocation of Notice of Right to Sue and “Corrected” Dismissal and Notice of Rights is attached hereto as Exhibit “B.”

STATEMENT OF THE FACTS

7. At all relevant times, the Defendant, owned and operated the distribution center located in Crystal Springs, MS. Plaintiff was hired by Defendant on April 27, 2018. Kirk Shands worked as an operation manager at the same location.

8. On August 4, 2019, Shands started making inappropriate sexual advances toward the Plaintiff. Shands physically approached the Plaintiff on several occasions, violating her personal space to flirt. Shands made lewd and sexual comments toward the Plaintiff, such as “I will break you in” and “I’m going to get you.” Plaintiff’s co-worker Octavia Martin witnessed the above interactions. Shands aggressively asked the Plaintiff for her contact number several times; out of fear, Plaintiff gave Shands a fake number so he would leave her alone. Shands continuously asked Plaintiff to come to his house and also demanded to see her breasts at work during work hours.

9. The Plaintiff reported it to a manager named, Patrina, who reported it to general manager Patrina Michelle Keys. However, nothing was done to stop Shands’ advances. For

weeks continued to make sexual advances towards the Plaintiff. The Defendants still did nothing. Plaintiff immediately sought counseling and therapy to cope with the constant unwanted sexual advances from Shands and the stress of her job being jeopardized.

10. After the Plaintiff rebuffed Shands' numerous advances, Shands retaliated by giving extra workloads to the Plaintiff. Shands also took away preferred job assignments and assigned her tougher, less desirable job assignments. Shands also made the Plaintiff's managers cut her hours. Plaintiff was forced to work in the same department of her harasser until on or about January 24, 2020, when Plaintiff was finally moved to another department.

CAUSES OF ACTION

COUNT I - VIOLATION OF TITLE VII - SEXUAL HARASSMENT

11. Plaintiff incorporates the above paragraphs 1 through 11 as though expressly set forth herein and alleges as follows:

12. The actions of Spann acting as an employee of the Defendant, coupled with the Defendant's unwillingness to protect her, constitute unlawful sexual harassment and hostile work environment.

13. The acts of the Defendants constitute a willful and intentional violation of Title VII of the Civil Rights Act of 1964, as amended, and entitle Plaintiff to the recovery of damages.

COUNT II – VIOLATIONS OF TITLE VII – RETALIATION

14. Plaintiff re-alleges and incorporates all averments set forth through Paragraphs 1 through 14 above as though expressly set forth herein.

15. Defendant Walmart Inc., Inc. has violated Title VII of the Civil Rights Act of 1964 by retaliating against Plaintiff for reporting to her supervisors the sexual advances of Shands.

16. As a result of the Defendant's said retaliation, the Plaintiff suffered damages, including, but not limited to, compensatory damages, loss of reputation, humiliation, embarrassment, emotional pain and suffering, inconvenience, and mental anguish.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff is granted the following relief in an amount to be determined by the jury:

1. Lost wages;
2. Back pay;
3. Compensatory damages;
4. Punitive damages;
5. Attorney's fees;
6. Costs and expenses; and
7. Any other relief to which she may be appropriately entitled.

Respectfully submitted,

JOHNNECIA JOHNSON

/s/ Catouche J.L. Body
Catouche J.L. Body MSB# 99526

THE BODY LAW FIRM, PLLC
Post Office Box 13007
Jackson, MS 39236
601-882-8888
attybody@bodylawfirm.com

OF COUNSEL:

Kimberly S. Sweeney, MSB #104071
Law Office of Kimberly S. Sweeney, PLLC
Post Office Box 221
Ridgeland, MS 39158